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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEUNG, JENNIFER A

ART UNIT

PAPER NUMBER

1764

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No	Applicant(s)	
	09/711,362	YOKOYAMA ET AL.	
	Examiner	Art Unit	
	Jennifer A. Leung	1784	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- The period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on August 11, 2003 has been received and carefully considered. Claims 21-32 are cancelled. Claims 34-35 have been added. Claims 1-20 and 33-35 remain active.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Tejima et al. (JP 10-099815). Tejima et al. (Abstract; FIG. 2, 8) disclose a treatment apparatus comprising:
- a hermetic zone within a hermetic chamber (i.e. decomposition or pyrolysis furnace **20**);
 - an exhaust system connected to the hermetic chamber **20** for exhausting the hermetic zone (i.e. sections [0086] and [0205]);
 - a means for heating the interior of the hermetic zone (i.e. "convection-current heating, radiation heating, etc."; section [0165]);
 - a reforming means (i.e. gas decomposition apparatus or gas resolver **30**; section [0177]-[0178]), placed between the hermetic zone and the exhaust system, for reforming a gaseous emission produced by heating the object to be treated; and
 - a means for controlling the temperature conditions of the heating means (i.e., "thermometry means as a temperature control means to adjust the 1st temperature of the

pyrolysis furnace **20**,” section [0165]) and the reforming means (i.e. means for controlling the 2nd temperature to be set at a given temperature for dioxin decomposition that is higher than the 1st temperature, section [0179]); see also section [0184] which recites, “... you may make it have the temperature control means... for adjusting the temperature in a chamber... if needed.”

Although Tejima is silent as to whether the object to be treated is heated, “after the reforming means reaches a state capable of reforming the gaseous emission”, the apparatus structurally meets the claim, since the conditions under which the object is to be treated by the means for controlling constitute intended use, which holds no patentable weight in apparatus claims.

Instant claim 33 structurally reads on the apparatus of Tejima et al.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-20, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tejima et al. (JP 9-248549) in view of Bassereau (US 2,446,403).

Regarding claims 1, 34 and 35, Tejima discloses a treatment apparatus comprising a first hermetic chamber (i.e. airtight container **601** having heating means for vaporizing metal) having a first opening (i.e. right wall in FIG. 8) and a first hermetic door placed outside the first hermetic chamber, capable of opening and closing the first opening (i.e. partition **610**; section [0294]). Tejima et al. further disclose a vaporized metal recovery means, wherein vaporized metal generated from treatment object **612** in chamber **601** is exhausted to a recovery chamber **611** upon opening of the door **610** (section [0296]) However, Tejima et al. are silent as to

whether the vaporized metal recovery means may comprise, “a tube capable of inserting into the first opening,” such that the door **610** for the first opening is shielded from the first hermetic chamber **601** by the tube when the tube is inserted into the first opening, the tube comprising a second opening on a side facing the first hermetic chamber **601**.

Bassereau (column 2, lines 27-48; column 3, line 61 to column 4, line 42; Figure) teaches an apparatus for the recovery of metallic vapor from a metal treatment operation (column 3, lines 45-54), wherein the apparatus comprises a removable tube (i.e., condenser **4a**, comprising a cylinder of sheet metal open on the furnace side and closed on the opposite side) capable of inserting into an opening of a hermetic chamber (i.e., an opening as defined by annular flange **2a** of furnace **1**), wherein the hermetic chamber comprises a sealing means having a hermetic door (i.e., movable closure plate **9**) placed outside of hermetic chamber **1**. Bassereau teaches that during an inserting operation (i.e., during condensation of metallic vapors generated by furnace **1**), hermetic door **9** is shifted to position **9a** (i.e., to interior of fluid-tight compartment **10**) such that the door **9** is shielded from hermetic chamber **1** when tube **4a** is inserted into opening **2a**. At the end of a condensation operation, tube **4a** is removed from opening **2a** and shifted to a recovery chamber (i.e., auxiliary chamber **7**), and the hermetic door **9** is subsequently closed (i.e., position **9b**), thus maintaining air-tight conditions for both chambers **1** and **7**.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to substitute the “apparatus for the recovery of metallic vapor” of Bassereau for the “vaporized metal recovery means” of Tejima et al. because the transfer of metallic vapors from the hermetic chamber using condenser tube **4a** maintains a constant vacuum during the transfer operation, thereby minimizing undesired oxidation of the metal or movement of dust (column 1,

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lines 16-36), as taught by Bassereau. Additionally, the provision of the apparatus of Bassereau enables the vaporized metal to be transferred to from the location of the hermetic chamber to another location for further treatment without the interruption of the vacuum conditions (column 3, lines 34-44).

Regarding claims 2 and 3, Tejima et al. further disclose an exhaust system 606 connected to the first hermetic chamber 601 via the first opening (FIG. 8; section [0295]). As modified above, the apparatus of Tejima et al. would also comprise the exhaust system 606 connected to the first hermetic chamber 601 via the tube, as taught by Bassereau (i.e., tube 4a in hermetic, fluid communication with exhaust opening 7a via opening 4c; Figure).

Regarding claim 4, Bassereau teaches that tube 4a has a third opening 4c in an area on the side opposite to the first hermetic chamber 1 (see Figure). As illustrated in the Figure, the hermetic door 9 is positioned *behind* the third opening 4c when the tube 4a is inserted into opening 2a. Bassereau is silent as to the hermetic door 9 being positioned *between* the second opening (i.e., which faces opening 2a) and the third opening 4c. However, Bassereau further teaches, "the sealing means is preferably placed beyond range of the vapors and is not exposed to deterioration by these vapors and metallic deposits," (column 2, lines 40-43). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to select an appropriate location beyond the range of vapors (i.e., such as the instantly recited location) for the hermetic door in the modified apparatus of Tejima et al., since the shifting location of parts merely involves ordinary skill in the art, and it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art, *In re Aller*, 105 USPQ 233

Regarding claim 5, Tejima et al. discloses a means for regulating a temperature in the first hermetic chamber **601** (i.e. control system **610**; FIG. 7, 8; sections [0285]-[0286]).

Regarding claim 6, Bassereau teaches the apparatus for the recovery of metal vapors comprises a means (i.e., rollers **20**, flange **2a**, rod **12**; see Figure; column 4, lines 19-36), placed along the inserting direction of the tube **4a**, for guiding an inserting operation of the tube **4a**.

Regarding claim 7, Tejima discloses an embodiment wherein the first hermetic chamber **601** comprises a plurality of first openings (i.e. openings communicating with plural chambers **605** and plural exhaust systems **606**; FIG. 6; sections [0289]), wherein each opening would, inherently, comprise a hermetic door **610** (i.e., as shown in FIG. 8). A plurality of vaporized metal recovery means would then, inherently, recover the vaporized metal generated in chamber **601** and exhausted to plural recovery chambers **611**, upon opening plural doors **610** (section [0296]). Additionally, it would have been obvious for one of ordinary skill in the art at the time the invention was made to substitute a plurality of "apparatus for the recovery of metallic vapor" for each of the plurality of "vaporized metal recovery means" in the apparatus of Tejima et al., for the reasons taught by Bassereau (the same comments with respect to Bassereau apply; see claim 1 above), and because the duplication of parts merely involves ordinary skill in the art.

Regarding claim 8, Tejima et al. (FIG. 2, 9) disclose an embodiment of the invention wherein a plurality of the first hermetic chambers (i.e. **102**, **103**) are linearly arranged, said plurality of the first hermetic chambers being partitioned off by openable and closeable partitions (i.e. partitions **105c**, **105d**).

Regarding claim 9, Tejima et al. (FIG. 8; section [0294]) discloses a second hermetic chamber (i.e. recovery chamber **611**) adjoining the first hermetic chamber **601** with the hermetic

door 610 there between. In the modified apparatus of Tejima et al., the tube would inherently be inserted into the first opening of the first hermetic chamber 601 from the second hermetic chamber 611 (i.e., see Bassereau (Figure) wherein tube 4a is inserted into first opening 2a via auxiliary chamber 7, or the second hermetic chamber).

Regarding claim 10, the same comments with respect to Tejima et al. and Bassereau apply (see claim 4 above).

Regarding claim 11 and 12, the same comments with respect to Tejima et al. and Bassereau apply (see claims 2 and 3 above).

Regarding claims 13 and 14, invoking 35 U.S.C. 112, Sixth Paragraph, applicants disclose on page 27, line 23 to page 28, line 5 of the specification that the, “means for performing pressure regulation,” may comprise: “an exhaust means, a pressurizing means, and a pressure measuring means,” wherein the “exhaust means” may comprise “various kind of vacuum pumps,” the “pressurizing means” may comprise a gas introduced into the system, and the “pressure measuring means” may comprise “a Bourdon tube, a Pirani gauge, or the like.” Tejima et al. further disclose means (i.e., a “pressure control system” comprising a “pressurization system”, an “exhaust system” and a “pressure sensor”; section [0286]; FIG. 7) for performing pressure regulation for the second hermetic chamber 611 and the first hermetic chamber 601. In the modified apparatus of Tejima et al., the provision of the tube (i.e., condenser tube 4a of Bassereau; Figure) would inherently define “a space” between the tube and the second hermetic chamber 611, and therefore, the means for performing pressure regulation would inherently perform pressure regulation in such space. Although the collective teachings of Tejima et al. and Bassereau are silent as to the relative pressure measurements in the recited

locations of the apparatus (i.e., within the space between the tube and the second hermetic chamber, or within the first hermetic chamber, or within the tube), the modified apparatus of Tejima et al. meets the claim, since the specific pressures will depend on the intended use of the apparatus, and furthermore, the disclosed means for performing pressure regulation substantially comprise the recited structural elements, and are thus inherently capable of performing the claimed functions. Also, it would have been obvious choice for one of ordinary skill in the art at the time the invention was made to select an appropriate pressure for the respective locations in the modified apparatus of Tejima, on the basis of suitability for the intended use, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art, *In re Aller*, 105 USPQ 233.

Regarding claim 15, Tejima et al. further disclose the means for performing pressure regulation has a means for supplying a carrier gas to the second hermetic chamber 611 (i.e. "it may be made to connect a carrier gas introduction system to the recovery chamber 611", section [0294]), and thus, inherently, to a space between the tube and the second hermetic chamber.

Regarding to claims 16 and 17, Tejima et al. further disclose the provision of a filter means comprising a wet filter (i.e. exhaust gas washing apparatus 2006 with alkaline-water shower, for example; section [0339], [0344], [0347]) in a separate embodiment of the invention. Therefore, it would have been an obvious design choice for one of ordinary skill in the art at the time the invention was made to provide a filter means, such that it were placed between the second hermetic chamber 611 and the exhaust system 606, in the modified apparatus of Tejima et al., since the filter means would enable the purification of exhaust gas to environmentally safe levels, as taught by Tejima et al.

Regarding claim 18, Bassereau teaches, "it is required simply to wait until the condenser of the preceding operation is sufficiently cooled to permit opening of the auxiliary chamber, to remove the full condenser and insert an empty condenser," column 3, lines 1-16). Therefore, the second hermetic chamber in the modified apparatus of Tejima et al. would, inherently, comprise a second hermetic door for replacing the tube with a second tube.

Regarding claim 19, Tejima discloses means for regulating a temperature in the second hermetic chamber 611 (i.e., "temperature control means"; sections [0294], [0297]).

Regarding claim 20, Tejima discloses means for supplying a non-oxidizing gas to the second hermetic chamber 611 (i.e., "it may be made to connect to a carrier gas introduction system; section [0294]).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 33 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-6, 8-9 and 11-21 of U.S. 6,332,909. Although the conflicting claims are not identical, they are not patentably distinct from each other. U.S. '909 (i.e. claims 12, 17 and 18) claims a treatment apparatus comprising

- a hermetic zone within a hermetic chamber for housing an object to be treated;
i.e. "a gas tight chamber capable of holding the object being processed;"
- an exhaust system connected to the hermetic chamber for exhausting the hermetic zone;
i.e. "at least a means for recovering the lead vaporized from the object being processed,
the recovering means connected to the gas tight chamber;"
- a means for heating the interior of the hermetic zone;
i.e. "a temperature adjusting means for adjusting a temperature in the gas tight chamber;"
- a reforming means, placed between the hermetic zone and the exhaust system, for
reforming a gaseous emission produced by heating the object to be treated;
i.e. "a reforming means for reforming the gaseous effluent generated from the object;"
- a means for controlling the heating means and the reforming means;
i.e. "a first [and second] controlling means for controlling the temperature adjusting
means", and a means for controlling the reforming means, inherently, "... at such a
second temperature that decompose[s] dioxins."

Although U.S. '909 does not specifically claim that the object to be treated is heated "after the reforming means reaches a state capable of reforming the gaseous emission", the claimed apparatus of U.S. '909 meets the instant claim since the process conditions under which the object is to be heated are of intended use, which hold no patentable weight in apparatus claims.

Response to Arguments submitted August 11, 2003

5. Applicant's arguments with respect to the rejection of the claims under 35 U.S.C. 103(a) as being unpatentable over Tejima et al. (JP 09-248549) in view of Legille (US 3,907,261) have been considered but are moot in view of the new ground(s) of rejection, as necessitated by

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amendment. As amended, the claims now independently recite, “a first hermetic door, placed outside the first hermetic chamber.”

6. Applicant’s arguments regarding the rejection of claims under 35 U.S.C. 102(b) as being anticipated by Iwai et al. (US 5,562,383) have been fully considered and are persuasive.

Therefore, said rejections have been withdrawn.

7. Applicant’s arguments regarding the rejection of claim 33 under 35 U.S.C. 102(b) as being anticipated by Tejima et al. (JP 10-099815) have been fully considered but they are not persuasive. Regarding the claim limitation of,

“a means for controlling the heating means and the reforming means so that the object to be treated is heated after the reforming means reaches a state capable of reforming the gaseous emission,”

Applicants argue (page 9, third paragraph to page 10, first paragraph),

“... the Official Action does not give weight to these limitations, and dismisses these limitations as statements of intended use. The Applicants note that this limitation is recited as part of a means-plus-function limitation, and thus should be given patentable weight. The applicants submit that the ‘815 Tejima et al. reference *does not disclose or even suggest a structure that performs such a function.*”

However, the examiner respectfully disagrees and asserts that Tejima et al. indeed discloses a means, or structure, capable of performing the recited function. Referring the corresponding machine translation, Tejima et al. discloses the first hermetic chamber, or pyrolysis furnace **20**, comprises a specific structure for performing the function of temperature control, wherein,

“... temperature... conditions may be *set up beforehand*, and the measured value of temperature... *fed back to a heating means*, etc., and you may make it *control it*,” (section [0173]).

Additionally, Tejima et al. discloses the reforming means, or gas resolver **30**, comprises a specific structure for performing the function of temperature control, wherein,

“... excretions from a processing object object can be processed at the 2nd temperature higher than the 1st temperature, and *reforming* of gas-like excretions and mineralization of chlorine can carry out effectively,” and “for the gas resolver 30, it is desirable to maintain conditions which the dioxin which originates in a processing-object object directly or indirectly decomposes as much as possible,” (sections [0178]-[0179]).

“... you may make it have the temperature control means... for *adjusting the temperature* in a chamber,” (section [0184]).

Although the reference is silent as to the sequence of heating the object, “after the reforming means reaches a state capable of reforming the gaseous emission” (i.e., after reaching a “2nd temperature”), the temperature control means of Tejima et al. is inherently capable of performing such function, as evidenced by the temperature control means being capable of pre-set temperature conditions, feed back control and temperature adjustment. Additionally, as commented in the rejection above, the recitation of heating being conducted “after” the period of which “the reforming means reaches a state capable of reforming the gaseous emission,” is directed to a process limitation or intended use, which holds no patentable weight in apparatus claims, since a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

8. Applicant's arguments regarding the obviousness-type double patenting rejection of claim 33 as being unpatentable over claims 1, 3-6, 8-9 and 11-21 of U.S. 6,332,909 have been fully considered but they are not persuasive. Applicants argue (page 13, second, third and fourth paragraphs),

“... the cited claims do not recite or suggest a means for controlling the heating means and the reforming means so that the object to be treated is heated after the reforming means reaches a state capable of reforming the gaseous emission, as recited in Claim 33. The Applicants note that this limitation is recited as part of a means-plus-function limitation, and thus should be given patentable weight. The Applicants submit that the Teshima et al. reference does not claim or even disclose a structure that performs such a function.”

However, the examiner respectfully disagrees and asserts that Teshima et al. indeed discloses a means, or structure, capable of performing the recited function. Referring to reference claims 12 and 13 for instance, Teshima et al. claims a hermetic chamber comprising,

“a temperature adjusting means for adjusting a temperature in the gas tight chamber,”

“a first controlling means for controlling the temperature adjusting means...” and

“a second controlling means for controlling the temperature adjusting means...”

Teshima et al. further claims,

“a reforming means for reforming the gaseous effluent generated from the object at such a second temperature that decomposes dioxins.”

Although the reference is silent as to the sequence of heating the object, “after the reforming means reaches a state capable of reforming the gaseous emission” (i.e., after reaching a “second temperature that decomposes dioxins”), the control means of Teshima et al. is inherently capable of performing such function, as evidenced by the control means being capable of temperature adjustment to pre-set conditions. Additionally, as commented in the rejection above, the recitation of heating being conducted “after” the period of which “the reforming means reaches a state capable of reforming the gaseous emission,” is directed to a process limitation or intended use, which holds no patentable weight in apparatus claims, since a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the

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prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

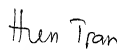
* * *

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Leung whose telephone number is (571) 272-1449. The examiner can normally be reached on 8:30 am - 5:30 pm M-F, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn A. Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Jennifer A. Leung
December 13, 2003 


HIEN TRAN
PRIMARY EXAMINER